

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

POSITIVE TECHNOLOGIES, INC.

Plaintiff,

v.

BENQ AMERICA CORP., FUJITSU  
GENERAL AMERICA, INC., JVC  
AMERICAS CORP., MITSUBISHI  
DIGITAL ELECTRONICS AMERICA,  
INC., NEC DISPLAY SOLUTIONS OF  
AMERICA, INC., PANASONIC CORP. OF  
NORTH AMERICA, PHILIPS  
ELECTRONICS NORTH AMERICA  
CORP., PROVIEW TECHNOLOGY, INC.,  
REGENT U.S.A., INC., SAMSUNG  
ELECTRONICS AMERICA, INC., SHARP  
ELECTRONICS CORP., TOSHIBA  
AMERICA CONSUMER PRODUCTS,  
L.L.C., AND V, INC.,

Defendants,

And

LG PHILIPS LCD CO., LTD. AND  
SAMSUNG SDI CO., LTD.

Intervenors.

CASE Nos. 2:06-CV-22 TJW and  
2:07-CV-67 TJW

**ORDER GRANTING THE PARTIES'**  
**STIPULATED MOTION TO ENTER A DOCKET CONTROL ORDER IN CASE NO.**  
**2:07-CV-67, TO AMEND THE COMPLAINT IN CASE NO. 2:07-CV-67, AND TO**  
**DISMISS CASE NO. 2:06-CV-22 WITHOUT PREJUDICE**

Before this Court is the Parties' Stipulated Motion to Enter a Docket Control Order in Case No. 2:07-CV-67, to Amend the Complaint in Case no. 2:07-CV-67, and to dismiss Case No. 2:06-CV-22 . The Court is of the opinion that the motion should be granted.

Therefore, it is hereby ORDERED that:

- 1) The following Docket Control Order is entered in Case No. 2:07-CV-67:

No.	Date	Event
1	March 23, 2007	Plaintiff's Disclosure of Asserted Claims & Infringement Contentions and related Document Production, including documents relating to Conception, Actual reduction to Practice and Diligence. P.R. 3-1; P.R. 3-2.
2	July 5, 2007	Rule 26(a) Initial Disclosures, including identity of persons & documents, computation of damages & any applicable indemnity agreements. Fed.R.Civ.P. 26(a)(1). Judge Ward's Discovery Order Par. 1.
3	July 5, 2007	Join Additional Parties.
4	August 27, 2007	Parties to Produce Damages Documents & anything not covered by P.R. 3-4. Judge Ward's Discovery Order Par. 3
5	August 27, 2007	Defendants' Invalidity Contentions and related Document Production, including source code, specifications, schematics, flow charts, artwork, formulas, etc. P.R. 3-3, 3-4.
6	September 10, 2007	Privilege Logs to be Exchanged by Parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
7	October 17, 2007	Plaintiff to Comply with P.R. 3-1(h)
9	November 2, 2007	Parties To Exchange Claim Terms For Construction. Judge Ward's Modification to P.R. 4-1.
9	November 16, 2007	Parties To Exchange Preliminary Claim Constructions & Extrinsic Evidence. P.R. 4-2.
10	November 30, 2007	Amend Pleadings
11	December 7, 2007	Defendants to comply with P.R. 3-3(f)
12	December 7, 2007	Joint Claim Construction & Prehearing Statement. Judge Ward's Modification to P.R. 4-3.
13	December 14, 2007	Respond to Amended Pleadings.
14	December 21, 2007	Completion of Claim Construction Discovery. P.R. 4-4.
15	January 4, 2008	Plaintiff's Opening Markman Brief Due. P.R. 4-5(a).
16	January 30, 2008	Defendants' Responsive Markman Brief Due. P.R. 4-5(b).

No.	Date	Event
17	February 8, 2008	Plaintiff's Reply Markman Brief due. P.R. 4-5(c).
18	February 26, 2008	Parties To File Joint Claim Construction Chart. P.R. 4-5(d).
19	March 26, 2008	Markman Hearing - 9:00 a.m. in Marshall, Texas. P.R. 4-6.
20	MR	Markman Ruling ("MR")
21	MR+15 days	Willfulness Production Due P.R. 3-7
22	MR+30 days	Opening Expert Reports Due
23	MR+30 days	(Optional) Plaintiff's Amended Infringement Contentions Due. P.R. 3-6(a)(1).
24	MR+50 days	(Optional) Defendants' Amended Invalidity Contentions Due. P.R. 3-6(a)(2).
25	MR+60 days	Rebuttal Expert Reports Due
26	May 30, 2008	Discovery Deadline
27	May 30, 2008	Plaintiff to Identify Trial Witnesses
28	June 13, 2008	Defendants to Identify Trial Witnesses
29	July 14, 2008	Deadline for Filing Dispositive Motions (Including <i>Daubert</i> Motions)
30	July 29, 2008	Response to Dispositive Motions Due (Including <i>Daubert</i> Motions)
31	August 8, 2008	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.
32	August 8, 2008	Pretrial Disclosures Due
33	August 22, 2008	Joint Pretrial Order, Joint Proposed Jury Instructions, Objections to Pretrial Disclosures, and Form of the Verdict Due
34	August 25, 2008	Motions <i>In Limine</i> Due
35	August 28, 2008	Pretrial Conference - 9:30 a.m. in Marshall, Texas
36	September 2, 2008	Jury Selection

2) Plaintiff may amend its Complaint in case No. 2:07-CV-67 to:

(a) assert U.S. patent no. 5,280,280 against BenQ America, Corp., JVC Americas Corp., Mitsubishi Digital Electronics America, Inc., NEC Display Solutions of America, Inc., Panasonic Corp. of North America, ProView Technology, Inc., Regent U.S.A., Inc., Toshiba America Consumer Products, L.L.C., V, Inc., and Philips Electronics North America Corp. and Samsung Electronics America, Inc.;

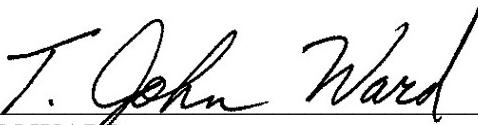
(b) assert U.S. patent No. 5,444,457 against Toshiba America Consumer Products, L.L.C. and V, Inc.;

(c) assert U.S. patent no. 5,627,558 against Toshiba America Consumer Products, L.L.C. and V, Inc.;

3) Case No. 2:06-CV-22 is dismissed without prejudice; and

4) All discovery provided in Case 2:06-CV-22 shall be deemed served in Case No. 2:07-CV-67 as if provided therein.

SIGNED this 15th day of May, 2007.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE